

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/747,063
Attorney Docket No.: A8063

REMARKS

Claims 1-42, 46-48, 51, 52, and 54-60 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 15, 29, 46, 52, 55-57, and 60 to further clarify the invention. It is believed that these amendments are made to explicitly set forth the implicit features in these claims and is not viewed as a narrowing amendment that would surrender equivalents thereof.

Summary of the Office Action

Claims 1-42, 46-48, 51, 52, and 54-60 presently stand rejected. Specifically, the Examiner maintained the previous rejections of the claims. Claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48, 51-58, and 60 are rejected under 35 U.S.C. § 102(b) and claims 5-8, 13, 19-22, 27, 33-36, 41, and 59 are rejected under 35 U.S.C. § 103(a).

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claim 57 is rejected under 35 U.S.C. § 112, second paragraph. Claims 58-60 are also rejected under 35 U.S.C. § 112, second paragraph since they depend on claim 57. Specifically, the Examiner alleges that “substantially same time” is ambiguous and does not clearly define the subject matter in regard to the time period involved in sending information to the server (*see* page 2 of the Office Action). Applicant respectfully traverses these grounds of rejection in view of the following comments.

MPEP § 2173.04 discloses that the “[b]readth of a claim is not to be equated with indefiniteness. If the scope of the subject matter embraced by the claims is clear, and if

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applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. § 112, second paragraph.

In the present case, the Applicant sets forth that the selection is sent to the server at substantially same time *i.e.*, almost or approximately at the same time. That is, the scope of the claim is clear. There is no requirement that *the exact time* of the transmission to the server must be claimed. The range of the time for transmission relates to the breadth of the claim and not to indefiniteness.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw this rejection of claims 57-60.

Statement of Substance of the Interview and Prior Art Rejections

Claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48, 51-58 and 60 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/43170 to Banthia (hereinafter “Banthia”).

Applicant respectfully traverses these grounds for rejection in view of the following comments.

Applicant thanks the Examiner for the courteous telephonic interview on March 27, 2006.

The Statement of Substance of the Interview is as follows:

During the interview independent claim 1 was discussed in view Banthia. The Examiner further clarified her position that “within a main applet” as set forth in some variation in the independent claims could allegedly be interpreted as within the control of the controlling applet (*also see* pages 8-9 of the Office Action). In Banthia, since the controlling applet controls the communication for the display applets, Banthia allegedly anticipates this unique feature of the independent claims. The Examiner did agree, however, that if Applicant further clarifies that the

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main applet is an applet being displayed and that the selected applets are executed inside the displayed main applet, this should overcome the rejection of record.

It is respectfully submitted that the instant Statement of Substance of Interview complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04. It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

In view of the foregoing, Applicant amends the independent claims 1, 15, 29, 46, and 57 to recite in some variation that the main applet is displayed and each selected applet is displayed in the separate window inside the displayed main applet.

Banthia, on the other hand, relates to improving communication between applets by optimizing the number of connections to the server (*see Abstract*). Specifically, Banthia discloses that a client is connected to a particular Web server (page 5, lines 19 to 22) and a controlling applet provides data to a set of display applets (page 5, lines 23 to 25). In Banthia, **the controlling applet is a hidden applet, which is not displayed** (page 5, lines 33 to 35). The controlling applet is also an active applet, which means that it establishes a connection to the server. The set of display applets are passive applets, which means that they do not establish a connection to the server. Even though the passive applets do not have a connection to the server, their information is continually updated by the controlling applet (page 6, lines 2 to 9). In Banthia, the display applets are displayed within a single browser window (page 8, lines 19 to

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21). Banthia, however, does not teach or suggest generating separate windows for each selected applet inside the displayed controlling applet. The controlling applet (alleged main applet) in Banthia has the height and width parameter of zero (page 8, lines 23 to 24). In short, the controlling applet of Banthia is not displayed. Moreover, the displayed applets are not displayed inside the displayed controlling applet. That is, Banthia does not disclose displaying selected applet inside the displayed main applet.

For at least these exemplary reasons, independent claims 1, 15, 29, 46, and 57 patentably distinguish from Banthia. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of independent claims 1, 15, 29, 46, and 57, and the other rejected claims which depend therefrom.

Furthermore, independent claim 57 recites: “dynamically selecting a plurality of applets for a display from a displayed list in which only names and attributes of the plurality of applets are displayed in the displayed main applet, where the plurality of applets are not yet loaded for execution.” The Examiner alleges that the six applets displayed in a browser window as depicted in Fig. 3 of Banthia meet the unique features quoted above because each applet is executed and displayed together with its name (*see* paragraph abridging pages 9-10 of the Office Action).

Applicant respectfully submits, however, that Banthia fails to disclose or suggest displaying a list only with name and attributes of the unloaded applets. That is, Banthia only discloses providing the name of the applet during its execution (Fig. 3). In other words, Banthia does not disclose or suggest providing a list with name of applets not yet loaded or executed.

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For at least this additional exemplary reason, independent claim 57 patentably distinguishes from Banthia.

Dependent claim 52 recites: “said plurality of applets are independent of each other and at least two of said plurality of applets do not inherit functions from same base class.” The Examiner alleges that since each applet has distinct features, it is independent from other applets (*see page 9 of the Office Action*). In Banthia, however, same model is displayed in multiple views (applets) *i.e.*, one applet is provided for each view (Fig. 5). That is, in Banthia, the displayed applets are interdependent. The displayed applets all depend from the same base class *i.e.*, inherit features of the same base class (Fig. 3; page 7, lines 24 to 34). In short, Banthia fails to disclose or suggest displaying *any type* of applets *i.e.*, applets that do not inherit functions from the same base class. For at least this additional exemplary reason, claim 52 patentably distinguishes from Banthia.

Dependent claim 60 recites: “at least two applets of said applets are obtained from different computers and are displayed in a respective window inside the displayed main applet at same time.” The Examiner alleges that since applets are accessed from a server by client computer, this allegedly discloses the applets being from different computers (*see page 10 of the Office Action*). Applicant respectfully disagrees.

In Banthia, all applets are displayed and the communication with the server is optimized by having one communication applet handling the communication for all these applets (page 6 of Banthia). Banthia is silent with respect to where from the applets are obtained.

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Since Banthia only discloses having a number of applets communicate with a server via a communication applet and fails to disclose that the applets are obtained from different computers, the rejection is improper as it lacks “sufficient specificity” required under 102. “[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

Accordingly, it is Applicant’s position that Banthia fails to disclose the applets being obtained from different computers. If the Examiner maintains that the applets are obtained from different computers, Applicant respectfully requests the Examiner to substantiate these allegations with specific citations from the Banthia reference. For at least this additional exemplary reason, claim 60 patentably distinguishes from Banthia.

Claims 5-8, 19-22, 33-36, and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banthia in view of U.S. Patent No. 5,561,757 to Southgate (hereinafter “Southgate”) and claims 13, 27, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banthia and “The Swing Tool Set” article (hereinafter “STS”).

It is respectfully submitted that Southgate and the STS reference fail to cure the deficiencies of Banthia discussed above for claims 1, 15, and 29, and accordingly, claims 5-8, 13, 19-22, 27, 33-36, and 41 are patentable over the asserted combination, of Banthia and Southgate and Banthia and the STS reference, at least by virtue of their dependency from the independent claims discussed above.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373

CUSTOMER NUMBER

Date: March 30, 2006

Attorney Docket No.: A8063